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July 17, 2013

Connecticut Claims Commission
165 Capitol Avenue
Hartford, CT 06105

Subject: Claim of Estate of Michael S. Jay: File Nos. 22978 and 22979

Pre-Disposition Memorandum Order

1. Claimant's Contentions

a. The Department of Corrections and the Department of Social Services are guilty of medical malpractice, intentional tort, and gross negligence towards the decedent Michael S. Jay, Inmate # 357990. DOC withheld Jay's medical prescriptions that he was taking as prescribed by his Title XIX Medicaid primary care physician (hereinafter "PCP") Helar E. Campos who had offices in Norwich and New London, Connecticut. Jay rolled his Jeep Wrangler at Exit 74 northbound on I 95 in January 2000. Because he was not wearing a seat belt, he was thrown from the vehicle into a 3 strand wire guard rail. He suffered a bilateral broken pelvis (both sides of the spine), a broken right hip, and a fractured scapula.

He was treated at the Trauma Center at William W. Backus Hospital in Norwich and then operated upon by Dr. William Balcolm, then of the Norwich Orthopedic Group, who stabilized the hip and pelvis using metal pins, screws and surgical glue. Jay was prematurely discharged into a blizzard several days after his admission when the hospital's business office learned that he was uninsured--rather than still on the Claimant/Father's health insurance at Electric Boat. Claimant protested Jay's being discharged prematurely from a medical standpoint, and into the teeth of a severe blizzard that closed I 395 soon after Claimant drove Jay to their home in Groton.

When he attempted to climb two tall concrete steps into Claimant's duplex, aided on both sides by Claimant and a neighbor woman, Mary MacGillis, Jay slipped and fell hitting his other shoulder on the outside faucet, fracturing it and soaking himself in the process. Claimant dragged Jay to the 2nd floor bathroom, laid him in the tub and ran it full of hot water to prevent Jay's going into shock. Ms. MacGillis called 911 and found blankets in which to wrap Jay for the ambulance ride back to Backus Hospital. Jay was admitted and remained several days during which Claimant filled out the necessary 18 page application to DSS in order for Jay to be treated under Medicaid. Jay was then transported home by Claimant a 2nd time without incident. A visiting nurse came to their Groton duplex and spent one hour only demonstrating exercises Jay should do while still in his wheelchair. Jay continued his tattoo apprenticeship at Flat's Tattoos while confined to his wheelchair.

In July 2000, Dr. Balcolm operated again on Jay and removed most of the medical hardware he had placed in Jay's hip and pelvis in January. The scapula healed itself in place. Jay spent one or two days after the operation recovering, then returned to Claimant's duplex and resumed working as a tattoo artist at Guy Flatley's shop using crutches, then a cane to get around. Title XIX Medicaid paid for these 2000 operations. The significance thereof, besides the fact that Jay suffered greatly over the years from post operative pain in both his hip and pelvis, plus pain in both broken shoulders, is that DSS became familiar with Jay and opened a file on him having reviewed his Social Security card and CT driver's license. Hence, in 2009 when he had further injuries, he again produced for DSS inspection and file his Social Security card and current CT driver's license. Thus, in November 2011 when Jay was driven by Claimant's long time friend, Ms. Andrea Carey, to DSS headquarters at Uncas on Thames in Norwich with only his DOC prison photo ID, DSS wrongfully denied him service upon the basis that he could not produce his SSA card (with his personal effects in a locked storage unit in Uncasville, CT) despite DSS's having a photocopy of his driver's license from 2009 and/or 2010 by which they could have identified him while he asked SSA in Shaw's Cove, New London to furnish him a new SSA card (which came the day he was found dead).

At the beginning of 2009, Jay began experiencing sharp pains in his lower back that were unrelated to his 2000 injuries. He had had no health insurance since his Medicaid coverage lapsed when he began working for Flat's tattoos in late 2000. He did not have health insurance at work, but he earned too much to continue in Title XIX. He did not see a dentist for many years. He did see Dr. Neil Pastel, Norwich ophthalmologist in 2006 when he complained to Complained that he could not see well enough while wearing his very old eyeglasses with his equally old contact lenses inserted to tattoo his customers. Complainant loaned Jay his Master Card and had Jay see Dr. Pastel. Jay received a new pair of eye glasses and ceased wearing his contacts.

In December 2008 as a result of his being involved in a child custody/support battle with the mother of his 2nd child, a son now 6 years old and living with his mother, Jay worked with Complainant as his attorney to complete a Financial Affidavit for the Family Court hearing. At that time, Jay's self employment income from a tattoo business which Jay had opened with \$20k seed money from Complainant had slipped substantially. The DSS caseworker advised Jay that he again qualified financially, and because of having two children, for the full panoply of benefits for low income people. Claimant again filled out the 18 page application for Jay's signature and at the beginning of 2009 he began receiving SAGA, food stamps, and Medicaid. Thus, when Jay experienced the above mentioned lower back pains, he was admitted into Community Health Care and started being seen by Dr. Campos and his associate, Dr. Chianuri.

While being seen by those two doctors, in March 2009, Jay's metal bed frame collapsed with him sleeping in it. He fell hard onto the metal frame which was on the floor of his condo. He suffered another brain concussion. He had suffered brain concussions in 1995 and 1994, respectively, when his nose was broken several times in fights and when he was beaten in the head by Montville Constable John Salmon. He was operated upon both times by Dr. Peter N. Rosenberg, a Norwich ENT specialist. The point being that Jay suffered multiple brain concussions before

he was imprisoned, and another one in the summer of 2010 when he was attacked by his cellmate, knocked unconscious and hospitalized at the UConn Health Center for stitches and a concussion. Jay therefore had a history of head injuries of which both DOC and DSS were aware because Corrigan/Radgowski received Jay's DSS files soon after his incarceration. They received Jay's other above mentioned medical records from Complainant via mail, hand delivery, and fax.

While being treated by his PCP in March 2009 for brain concussion, Jay complained to them of a pain in his lower side. His doctors ordered a cat scan of his lower spine and hip thinking the pain was from his hip and/or pelvis. Instead, shockingly, they spotted a shadow on his left kidney which turned out, upon further MRI's and cat scans to be a cancerous lesion. Therefore, the order of operations was reversed. Instead of having his right hip replaced in May 2009, Jay had half of his cancerous kidney removed in July 2009. His right hip was completely replaced on Labor Day, 2009. Jay remained hospitalized at Backus for several days after each operation, returning to his 2nd floor condo to live alone with help from Claimant and his friends for shopping and driving to and from work each time.

DSS paid for both operations and all Jay's medical care pre- and post op. Jay received his opiate pain medications, sleeping pills, and anti psychotic drugs from Stop and Shop and Wal-Mart pharmacies, prescribed by Dr. Campos and Backus ER physicians. Therefore, DSS had compiled a very thick dossier on Jay by the time he was driven to Uncas on Thames a few days after his release from prison by Ms. Carey, at which time he sought both to see Dr. Campos and have his prescriptions immediately refilled due to agonizing pain. His difficulty in walking even two blocks to an ATM was noted by his attorney, Frank J. Liberty, and recounted by him to Claimant immediately after Jay's death. Because of DMV's snafu, failure to renew Jay's driver's license while he was in prison, despite Claimant's furnishing them with Jay's expired license and offering to pay whatever fees/fines were due, Jay walked several times from Bud McAllister's apartment on New London's South Side over the Gold Star Bridge to Groton, Route 12, to a tattoo shop where he worked part-time. According to Attorney Liberty, this took several hours and caused Jay agonizing pain for which he obviously required an opiate painkiller. Yet DOC did not give him any upon release, and DSS refused to see him about November 5th.

Thus, Claimant contends that DSS wrongfully denied Jay much needed medical treatment, especially the resumption of his prescription opiate pain killers, sleeping pills, and anti-psychotic medications for which his PCP, Dr. Campos had just written refills earlier the day on which Jay was arrested for burglary and immediately imprisoned for having violated the terms of his appeal bond (from 2008 convictions). DOC also violated Jay's 8th Amendment rights, made applicable to the State of Connecticut by the 14th Amendment to the US Constitution, by withholding against strong medical advice by Jay's PCP and his oncologist those very same prescriptions which he needed for pain relief and to function normally.

Jay's eyeglasses were broken the morning of June 10, 2010, when he was arrested and jailed, then moved to Norwich Superior Court, and thence to Corrigan CCI. DOC took over 7 months, without any explanation, to have Jay seen by a state paid optometrist who examined his eyes and found that Jay suffered from glaucoma. Jay was eventually furnished a pair of single lens eyeglasses in shoddy black plastic frame. The frames were broken, held together by duct tape at the time of Jay's release. During the 15 days he lived following release, Jay (1) purchased

frames to hold his prison furnished lenses, (2) prescribed stronger lenses which arrived after his death, and (3) was told that his glaucoma was very bad and that he should see an ophthalmologist, and MD, not an optician or optometrists as DOC had look at him. Jay complained to friends in person and via cell phone that he had severe pressure in both eyes and blurry vision in both eyes. He feared that he could no longer work as a tattoo artist if he went blind. DSS could have treated this glaucoma as well as re-prescribe his much needed pain and anti-psychotic medications if they had given him a new SAGA/Medicaid ID card allowing him to see Dr. Campos and Dr. Neil Pastel, our family's Norwich ophthalmologist who had treated Jay all his life. Jay used alcohol to self medicate for the excruciating pain he was enduring in both his hip/pelvis and in his eyes. DOC and DSS are guilty of medical malpractice for not treating his post operative pain and glaucoma. This went beyond mere negligence because Claimant continually, for Jay's 18 month period of imprisonment, called the attention of both wardens at Corrigan/Radgowski CCI and Warden Chapdelaine at Osborn CCI that Jay was in great medical pain.

DOC's only medication provided Jay was one 30 pill jar of Motrin per month. When Jay complained that that dosage and strength was insufficient for his pain, both guards and nurses laughingly, sarcastically told him that if the 30 Motrin pills per month were insufficient, then he should use some of the commissary funds that his rich lawyer daddy was sending him to buy additional jars of Motrin at the commissary. Jay did so, but the nurses kept them, let him have 3 per day, but often he received less than that number due to shift changes, lockdowns, and plain forgetfulness. Jay did receive RX eye drops in prison for his glaucoma, but was given none upon his release. Because DSS refused to re-admit him to Medicaid without a SSA card, he had no RX eye drops for his glaucoma the last 15 days of his life.

1. Claimant's complaint

b. DOC is liable for the intentional tort inflicted upon Jay by Osborn Warden Carol Chapdelaine who had Jay awakened in his cell at 0200 hours on November 3, 2011, and had him transported via a DOC vehicle to New London where he was dropped on a park bench at 0400 in freezing weather without either a coat or jacket to protect him from the chill. Jay was clothed in his prison clothes, which could have caused his re-arrest by any passing law enforcement persons, and held his meager belongings in a brown paper grocery bag. He waited until the Adult Probation Office on Birch Street opened at 0800 to meet Rey Santiago, his APO for the following two weeks. Santiago broke several rules because he took pity on Jay. First, he escorted down State Street to a friend's tattoo shop where he was given a jacket to wear. Secondly, APO Santiago allowed Jay to use his personal cell phone to call Claimant in Florida to apprise his father of his unscheduled release. Third, because Mr. Lyndon "Bud" McAllister with whom Jay was to stay during his probationary period was inexplicably out of town, APO Santiago released Jay to a friend whose couch he spent the night of 11/3 sleeping upon. McAllister does not drive. On the 4th, someone drove Jay to McAllister's apartment which was not as represented to Claimant, a two bedroom unit. For the last 14 days of his life, Jay slept in McAllister's bed, and he slept on the floor. More significantly, because Complainant violently protested McAllister's involvement in Jay's going to live with him as a "sponsor" rather than being ordered to the Cohegan Halfway House in Norwich until his official end of sentence (hereinafter "EOS"), McAllister breached his promise to DOC and the Pardon and Paroles Board by staying in Westerly, RI, for four nights, November 18 - 21, with a new found female friend, rather than

being home each night and monitoring Jay's consumption of alcohol and/or drugs. Significantly, Jay drank himself to death the first night McAllister left, but McAllister did not discover Jay's decomposing body until 2000 hour on November 22nd.

DOC is liable for the intentional tort inflicted upon Jay by Warden Chapdelaine. It was presaged by the unprecedented number of times she berated Jay to his face for Complainant's "meddling" both in her office and her in front of his cell. Her animus towards Jay was manifest and Jay's counselor's William Murphy and Lauren Miller will so testify.

1. Claimant's contentions.

c. DOC is also liable for the negligence, perhaps gross rather than simple, of Jay's two counselors at Osborn, William Murphy and Lauren Miller, because they continuously fed Claimant misleading information as to the date of Jay's release, their promise that he would be sent to Cochegan Halfway House in Norwich till 1-1-12, and their failure to apprise Claimant of the unscheduled very early release of Jay in the wee hours of 11-3-11. Although Claimant had moved to Lakeland, FL, in March 2010 after Jay was sentenced to additional time for the 6-10-10 burglary in Montville, and despite Claimant having rented both his own and Jay's condos, Claimant promised Mr. Murphy and Ms. Miller that he would drive back to CT to meet Jay upon his release at the APO's office. (Claimant had also been told to pick Jay up in Norwich instead of New London.) Claimant advised the two counselors that he would require 3 days notice because the weather might be bad that time of year. Ms. Miller's last attempt to apprise Claimant that Jay would be released much earlier than the end of November was made October 27. She called on both of Claimant's cell phones while he was (a) having his hair cut and (b) driving and could not answer either time before the calls went to voice mail. Later 10-27, after hearing Ms. Miller simply state that she had some news about Jay's release, Claimant emailed both Mr. Murphy and Ms. Miller asking them to either call him on his landline in his Lakeland apartment or to send him an email, which had been the manner in which Claimant gave and received information about Jay from his counselors. Neither Mr. Murphy nor Ms. Miller ever tried to contact Claimant with news that Jay could conceivably be released as early as 11-3. The next contact on this subject was Jay's phone call to Claimant from APO Santiago's office using his personal cell phone. Santiago told Claimant that one of Jay's friends had offered to let him sleep on his couch for his first night of freedom until McAllister could be located. Santiago called McAllister via cell phone and learned that Jay could start spending nights at McAllister's on the 4th. Claimant and Jay had daily telephone conversations through the afternoon of November 18, on which night Jay died. Jay assured Claimant there was no need for Claimant to drive up after the fact. Claimant sent Jay's wallet with expired driver's license and SSA card to Attorney Frank Liberty who also released funds in a client trust account to Jay. Claimant paid McAllister for Jay's rent via check mailed from FL. Besides his daily talks, up to one hour twenty minute battery life of his cell phone, with Jay, Claimant had no news about Jay's situation until McAllister called him at 2025 hours 11-18-11 and said simply, "Mike's dead." DOC is liable for the negligence of Jay's counselor's which prevented Claimant's driving to New London and renting a hotel suite where he and Jay could spend at least the first few weeks of Jay's freedom monitoring Jay's physical and mental health. Claimant would have paid for a private doctor to examine Jay and prescribe needed medications when DSS turned Jay away for lack of his SSA card. Mr. Murphy and Ms. Miller had also told Claimant in early October that Jay's most likely release was late December. Claimant said that would be fine because he and Jay could spend Xmas together in CT, and that

Claimant's Groton condo tenant wanted to leave early, 1-1-12 rather than stay till the end of his lease, 3-3-12 because he felt the rent was too expensive. Claimant planned to have Jay live with him in Groton briefly, then return to FL. The lease for Claimant in Jay's Salem, CT, condo expired 3-31-12, also. Claimant planned at that time to move back permanently to CT, occupy his Groton condo, and have Jay move out back to his own condo in Salem. All the conflicting and withheld dates of Jay's release materially contributed to Jay's death because Claimant, unlike McAllister, would have been home every night, enforced a strict no alcohol and no drugs policy, and driven Jay to work and gotten him back into Medicaid immediately. This DOC negligence killed Jay independently of DOC's and DSS' medical malpractice.

1. Claimant's contentions

d. Relief sought by Claimant--Permission of the Commission for Claimant to bring a lawsuit in Superior Court on the sole question of damages. This is predicated upon the Commission's finding the State of Connecticut, specifically the Departments of Corrections and Social Services, their top management, and their employees whose actions directly impacted Jay causing his death liable therefor under one or more of the theories set forth above. At such a trial, Claimant would produce as witness's actuaries and doctors who would testify as to Jay's likely life span had he not been driven to ethanol poisoning because of unrelenting pain caused by and not alleviated by respondents when they had the opportunity. Also, testimony will be adduced as to Jay's likely lifetime earnings. Claimant will also seek punitive damages in a sum much greater than the special/actual damages in order to punish the wrongdoing of the state agencies and their employees.

2. Defendant's contentions

The Attorney General stated the position it takes in defending the Departments of Corrections and Social Services, their top managements, and their employees whose actions and inactions caused Jay's death. The AGO sent its rationale for denying Claimant's claims set forth above via an undated letter addressed to the Commission, copy to Claimant. Claimant sees no purpose in regurgitating the arguments of that letter. Succinctly, the cognizant AAG, T. O'Neill, denies that the State committed medical malpractice by failing to give Jay the prescription medications that he was taking at the time of his incarceration. The State contends that the medical treatment that it provided Jay in prison was at least adequate. The State also seems to deny that it was negligent in both failing to send Jay to a Halfway House for recovering alcoholics and/or drug addicts and in dropping him on a park bench in the middle of the night in front of his probation officer's office without a coat or jacket. They similarly deny any responsibility for constantly changing Jay's release date and failing to notify Claimant/Father at least 3 days in advance as the state repeatedly promised. Claimant contends that all of those positions are contrary to fact and law as will be proven at hearing.

3. Legal Issues

a. Medical Malpractice by agents of DOC and DSS. Whether the failure to continue Jay on his prescribed medications for post operative pain experience before and during his imprisonment was a violation of Jay's 8th Amendment rights. Similarly, whether the State's failure to have performed upon Jay the colonoscopy ordered before his imprisonment by his PCP constituted malpractice given that Jay continued to have multiple loose bloody bowel movements for the duration of his incarceration. Note -- Dr. Carver's autopsy found that Jay suffered from both

diverticulitis and ulcerative colitis at time of his death. Given that Jay died within 15 days of release, it stands to reason that he suffered from those painful conditions while incarcerated. Despite Claimant's repeated requests to both wardens at Corrigan/Radgowski CCI, the State made no effort to perform the needed colonoscopy at a prison ward at UConn Health Center.

Despite Jay's denials upon entry at Corrigan CCI and throughout his imprisonment, the evidence of his alcoholism was abundant. His criminal records showed that he had been convicted of several crimes involving the abuse of alcohol. Jay's medical records obtained from his PCP and supplied by Claimant to DOC showed that he had received inpatient rehabilitation in 1996 at Stonington Institute for alcoholism and drug abuse. Jay had at least one DUI conviction. DOC and DSS did not provide Jay a medically supervised detoxification, substance abuse and anger management classes inside all prisons where he was housed. Neither did the State follow up with Jay's APO Rey Santiago to force his enrollment in and attendance at multiple mental health class stated as mandatory in his release papers.

The State failed to send Jay to Cochegan Halfway House in Norwich as they had promised Claimant it would do. The Pardons and Parole Board was grossly negligent in releasing Jay to the care of a Mr. Lyndon "Bud" McAllister who breached his promise to monitor Jay's post release behavior in that (a) he was not in town on the date Jay was released, and (b) he left Jay unattended for 4 consecutive nights 11/18-21, and Jay drank himself to death on the first of those nights alone while McAllister, without transportation was shackled up in Westerly, RI.

b. Intentional Tort by Osborn Warden Chapdelaine, Infliction of Physical and Emotional Harm

Based upon her extreme animus towards both Jay and Claimant, Warden Chapdelaine had Jay awakened at 0200 11/3/11 in his cell in Somers, CT, on the Massachusetts border and transported by DOC vehicle to New London, CT, where he was dumped on a park bench at 0400 in front of his APO's office. Jay was wearing his prison clothes, had no jacket or coat to protect him from late Autumn cold, and held his belongings in a paper grocery shopping bag. Issue--do these acts constitute one or more torts. Counselors Murphy and Miller heard Chapdelaine swear at Jay on several occasions in her office where he had been summoned because the Warden was piqued at Claimant's efforts (a) to secure early release for Jay and (b) to assure that Jay received medical attention from DSS immediately upon his release. Chapdelaine told Jay, "By God, if you are ever in the correctional system, it won't be at a prison where I am warden!" Chapdelaine also took the highly unusual step of going to Jay's cell to berate him through the bars. Claimant has Jay's letters recounting these untoward events which demonstrate Chapdelaine's desire to hurt and humiliate Jay even on his last day in custody.

c. Simple or Gross Negligence of Jay's Prison Counselors and Warden Chapdelaine in Establishing Multiple, Uncommunicated Release Dates for Jay to Claimant/Father.

Firstly, DOC and the Judicial Branch persistently refused to correctly compute the length of Jay's several sentences, acknowledging the reality that they all ran concurrently, and that Time Served had to be computed from the 7-16-10 hearing held in Norwich for the express purpose of raising the amount of Jay's appeal bond by a token \$500 in order to start his 2008 sentences running. Jay was arrested 6-10-10 for burglary. Those charges were later reduced to misdemeanors to which Jay via his PD pled guilty. The sentencing judge in New London also utterly failed to acknowledge in making Jay's two concurrent one-year sentences concurrent with

his two 2008 sentences that the Time Served began 7-16-10 not in January of 2011 as the ASA erroneously testified.

Claimant had Attorney Frank Liberty obtain the hearing transcript from 7-16-10 and prove to DOC that Jay's release date should have been established early on as 12-12-11, or 18 months after he was incarcerated for violating the terms of his appeal bond. This intentional miscalculation of Jay's EOS was a tort in itself. It inflicted great mental anguish upon Jay who knew that he was supposed to be released 6 months earlier than DOC records showed for many months. Claimant also moved to FL in large part because he was told that Jay would not be released until July 14, 2012. Claimant signed an apartment lease ending 7-15-12 in Lakeland, FL with the intention of returning to CT to aid Jay following his July 2012 release.

Starting in the summer of 2011, because Gov. Malloy began laying off CO's and closing prisons, DOC began consideration of releasing Jay earlier for a variety of reasons such as the establishment of Jay correct EOS, his non violent behavior, credit for good time, and a desire to foist Jay's medical care responsibilities back onto DSS via Medicaid. Jay indicated in his few letters to Claimant in FL that his early release was being considered. Claimant then emailed and called Warden Chapdelaine and Counselors William Murphy and Lauren Miller asking that he be kept in the loop so that he could drive up and be present for Jay's release. Also, Claimant informed those 3 persons that because both Jay's and Claimant's condos were occupied by tenants whose leases did not expire until 3-31-12, Claimant was willing to rent for himself and Jay a hotel suite for 2 adults for as long as it took Claimant to satisfy himself Jay could live independently and not use alcohol or drugs.

The warden and two counselors assured Jay that they would keep him posted as to any movement forward of Jay's release and most particularly that they would provide Claimant at least 3 days' advance notice of Jay's actual release in order that Claimant could drive to CT from Central FL, allowing for bad weather.

The latest information that Claimant received from Murphy and Miller before Jay was suddenly released without notice on 11-3-11 was that he most likely would be released in late November. Claimant responded to Miller's two voice mail messages of 10-27-11 by acknowledging them via email and asking that she or Murphy call him at his home on his landline to apprise Claimant's of Jay's exact release date. No one from DOC contacted Claimant again before the wee hour's release of Jay. Claimant learned Jay had been released, and the cruel circumstances surrounding same only via a telephone call from Jay made on APO Santiago's personal cell phone. McAllister was not available on 11-3, so Jay had to sleep on a friend's sofa. This person, of course, was a former drinking buddy, not the required sponsor specified by the Pardons and Parole Board. The actions of Chapdelaine, Murphy, and Miller constituted either gross or simple negligence contributing to Jay's death because Claimant was precluded thereby from following up on his expressed plans to drive to CT to meet Jay on his release and take him to a hotel to stay with Claimant until 1-1-12 when Claimant's Groton tenant wanted to vacate that condo early. Claimant was going to permit Jay to live in it until 3-31-12 when Jay could return to his own condo in Salem, CT.

d. Post Release Medical Malpractice

DOC failed to provide Jay with RX eye drops to treat his glaucoma until he could see his PCP again. Jay went to a private vision center to replace his broken prison-provided frames that were then held together by duct tape and have a new stronger prescription written. The optometrist who treated him advised that his glaucoma was quite severe and that he should see an MD, ophthalmologist immediately. When Claimant's friend, Ms. Carey, drove Jay to DSS SE

regional HQ at Uncas on Thames in Norwich for re-enrollment in Medicaid as a path to being seen by both the recommended eye doctor and his PCP who could renew his prescription pain and anti psychotic medications, DSS refused to enroll Jay--despite his having a DOC photo ID and DSS's having recent driver's licenses photos of Jay for comparison--because he had lost his SSA card. Therefore, Jay went until his death without treatment for his glaucoma and without his prescribed opiate pain killers for post operative pain and his anti psychotic drugs. Claimant contends that Jay was both badly depressed and in excruciating pain due to DOC's and DSS's actions and failures to act regarding his post release medical treatment. This contributed to if it did not directly cause his death. The State is liable.

4. Witness List, Their Addresses, Summary of Expected Testimony

Claimant's Witness List was provided to the Commission and to AAG O'Neill at the May 6th Status Conference.

(i) Osborn CCI Personnel: Warden Chapdelaine and Counselors William Murphy and Lauren Miller, Osborn CCI, Somers, CT. Claimant will examine them, preferably with permission to treat them as hostile witnesses, as to the facts surrounding (a) the early morning release of Jay without a coat or jacket to sit for 4 hours on park bench in the dark outside the New London APO. Claimant will also elicit testimony from all 3 demonstrating Chapdelaine's animus towards Jay. Murphy and Miller will be called upon to explain why they constantly moved Jay's early release date forward without apprising Claimant, and why they broke their promise to Claimant regarding their giving him 3 days' advance notice of Jay's release so that Claimant could be present when Jay was released.

(ii) Corrigan/Radgowski CCI Personnel: (3)

Warden Scott Erfe, his predecessor whose name Claimant has forgotten, and Mrs. Wanda Bay-Brown, Jay's counselor, all in Uncasville, CT on Route 32. The two wardens would testify that Claimant repeated requested them to arrange to have Jay's colonoscopy, ordered by his PCP for a date following his incarceration, to be performed at a prison ward of a hospital. this was because Jay continued to have multiple loose, bloody bowel movements in prison. Claimant contacted Erfe about Jay's receiving medically supervised detoxification because he was high on newly prescribed opiate painkillers, anti psychotic drugs [prescribed earlier day of arrest by PCP] and alcohol. Claimant also asked Erfe and his predecessor to give Jay lower bunk for medical reasons [hip and pelvis] and to place in medical segregation if possible. Mrs. Bay-Brown promised Claimant that Jay would receive substance abuse, anger management and other forms of counseling while at Corrigan CCI. That did not occur. Warden Erfe will also testify about the altercation at either Corrigan or Radgowski summer of 2011 when Jay's cellmate attacked him knocking Jay unconscious, resulting in hospitalization at UConn Health Center for stitches to close laceration and overnight observation for brain concussion. Jay was not the aggressor, yet it was he, not cellmate, who was transferred to Osborn CCI, a maximum security prison as punishment. Erfe can explain reasons why.

(iii) Jay's Doctors (4)

Dr Helar E. Campos and Dr. Michael Chianuri, 26 Lafayette Street, Norwich, CT 06360
Dr. Stephen Lattanzi, New London Cancer Center, 196 Waterford Parkway South, Suite 303, Waterford, CT 06385. Dr Richard Goulding, 326 Washington Street [Wm. W. Backus Hospital], Norwich, CT 06360.

Dr. Campos was Jay's Medicaid PCP. His associate, Dr. Chianuri, also saw Jay often. They will testify as to his health history before and after his cancer surgery [removal half left

kidney] and complete right hip replacement. They were not the surgeons in either case. Dr. Campos saw Jay during the day June 9, 2010, and told Jay he was an alcoholic and should get treatment. Dr. Campos did, however, write new prescriptions for Jay for newer, stronger opiate pain killer and an anti psychotic medication. He also wrote an order within the Medicaid system for Jay to have a colonoscopy at Windham Hospital, Willimantic, CT, because it was the only area hospital still providing same for Title XIX patients. Campos ordered this test for 6-28-10 because Jay had been having loose bloody bowel movements, up to 6 or 7 daily, for many months. Dr. H. Wayne Carver's autopsy of Jay confirmed that these were caused by diverticulitis and ulcerative colitis, neither of which conditions was treated by DOC while Jay was incarcerated. Dr. Lattanzi was Jay's oncologist. He saw Jay before and after his kidney surgery. He may have also made one visit to Jay at Corrigan CCI and advised DOC that the cancer had not metastasized, but that he wanted to see Jay again. He was denied permission for additional prison visits to examine Jay. Dr. Goulding was and is an ER physician on the staff of Backus Hospital in Norwich. Apparently he saw Jay on June 9th before Jay's appointment with Dr. Campos. Dr. Goulding diagnosed Jay as an alcoholic, provided him on Backus Hospital stationery a list of all alcohol and drug rehabilitation facilities in CT and told Jay to admit himself to one as soon as possible. All of these doctors can testify that Jay did not have heart and/or coronary artery disease prior to incarceration. That will be compared with Dr. Carver's autopsy findings that Jay had advanced heart disease, blocked coronary arteries and plaque build-up in many of his other major blood vessels. This was not diagnosed by DOC despite Jay's frequent complaints of dizziness and fainting spells while incarcerated. This is further evidence of medical malpractice by DOC medics. Or, it was malpractice by Jay's DSS doctors from January 2009 through his incarceration on 6-10-10.

(iv) Chief Medical Examiner H. Wayne Carver, MD. UConn Health Center, 11 Shuttle Road, Farmington, CT 06032-1939. Dr. Carver performed the autopsy on Jay's remains. I will enter the initial death certificate into evidence and examine Dr. Carver as to his findings. Dr. Carver will also testify as to his subsequent correspondence with Claimant regarding his revised finding that the cause of death was ethanol poisoning. Dr. Carver's autopsy revealed that Jay suffered from many serious medical conditions that would have substantially shortened his life, e.g. heart and coronary artery disease, diverticulitis, and ulcerative colitis. None of these were treated in prison by DOC, or before incarceration by Jay's doctors on the outside, all of whom were contracted to DSS. Hence, one way or the other, the State is liable for this failure to treat Jay. This violated his 8th Amendment rights not to suffer cruel and inhumane health conditions while a ward of the State.

(v) Ms. Andrea S. Carey, 39 Lester Avenue, Pawcatuck, CT 06379. Friend of Claimant who assisted Jay with transportation and shopping during period before his death after release. She drove him to DSS SE Regional HQ at Uncas on Thames in Norwich and can testify that DSS denied Jay service when he asked for it. She also took Jay shopping. She will testify that he remarked after buying the most expensive toilet paper on shelf, "I need to pay more because I am still bleeding from my rectum." this is proof that neither DSS nor DOC had addressed Jay's diverticulitis and ulcerative colitis. Had DOC let a gastroenterologist perform the colonoscopy upon Jay that Dr. Campos ordered for 6-28-10, these conditions would have been diagnosed while Jay was alive rather than being found by autopsy. DOC then could have ordered a treatment regimen for Jay or even released him very early for private treatment at DSS expense.

5. Complainant's Exhibits [Note I will want to re-order these before the hearing. I worked with them out of AAG O'Neill's mail bag, my trove, and documents which I brought to the Status Conference which were not needed. So I returned them to metal file cabinet in FL, pulled them out for review after the prison records were done.]

C1. Decedent's medical records from the office of Helar E. Campos, M.D. spanning period of 1-19-09 through 6-09-10. These records start when Jay was found indigent by DSS in child support hearing. He started seeing doctors Campos and Chianuri regularly through day of his 2nd arrest. They cover his brain concussion 3/09, discovery of kidney cancer, pre- and post-op tests and treatments; his tests leading up to complete right hip replacement on Labor Day 2009. Follow up care by both doctors through 6-09-10. Last 3 months focus was on Jay's having 6-7 loose bloody bowel movements per day. Dr. Campos ordered a colonoscopy for 6-28-10 at Windham Hospital in Willimantic. It was never performed because of Jay's imprisonment on 6-10-10, and because DOC refused Claimant's request that it be performed after incarceration in prison ward of another hospital. Autopsy showed that Jay suffered from both diverticulitis and ulcerative colitis for duration of incarceration because of DOC's refusal to perform colonoscopy, treat these painful, potentially fatal conditions.

C2. Jay's 6-09-10 visit to Backus Hospital ER for acute abdominal pains. Seen by Dr. Richard Goulding who diagnosed Jay as an alcoholic, gave him 5 sheets about disease and list of drug and alcohol rehabilitation facilities in CT and told him to admit himself to one of them as soon as possible. Contrast this diagnosis with Jay's steadfast denial of alcoholism while in prison. DOC had records to the contrary and should have treated Jay for alcoholism including substance abuse counseling sessions and insisted upon his early release that he go to either a long term treatment facility or to the Cohegan Halfway House in Norwich as Osborn CCI personnel had promised Claimant.

C3. Two pages from Judicial Branch and Stonington Institute attesting to fact that after Jay had been arrested for DUI he was ordered into treatment at SI which Claimant and his employer, EB, paid for 50/50. Jay denied having ever been treated for alcoholism when incarcerated. DOC had these records proving otherwise but did not treat Jay, whose condition was considerably worse 13 years later, for substance abuse nor did they release him to a treatment facility or halfway house as Claimant begged DOC to do. This included faxes to Gov. Malloy and Commissioner Arnone that were unanswered.

C4. Jay's handwritten grievances to Prison Wardens, June 2010 through June 2011. Among other things, he complained that his ration of Motrin tablets was too low to alleviate severe pain he was experiencing in broken pelvis and replaced hip. Jay also complained of pressure in both eyes, blurry vision and requested that an eye doctor see him for possible glaucoma. DOC was very slow in replacing Jay's glasses which were broken during 6-10-10 arrest. After 7 months without glasses, Jay was examined by state optometrist who simply noted Jay as complaining of pressure in his eyes. He failed to diagnose glaucoma when he should have, and therefore did not immediately provide Jay with RX eye drops. Jay suffered needlessly for 4 more months due to this optometrist's ineptitude.

C5. DOC records of medications administered Jay at Corrigan, Radgowski, and Osborn CCI's. Jay received only Motrin for pain relief despite having been on Percocet, then oxycodone before he was imprisoned. He also took prescribed medications for mental disorder and insomnia. None of these was ever administered while he was incarcerated. This violated his 8th Amendment rights. In July 2011, 4 months after his initial optometry appointment, he was finally diagnosed with glaucoma and given RX eye drops to relieve pressure in the eye balls.

C6. Jay's medical treatment records of period 6-9-10 through 11-3-11 which Claimant obtained via FOIA requests from DSS and DOC. They show Jay's repeated requests for both 3 Motrin pills per day vice the 1 pill he was allotted for many months. When Jay requested more Motrin, both nurses and CO's laughed at him. On at least two occasions he was told, "If you need more than 1 pill per day, why don't you use the money that your rich lawyer daddy sends you and buy some of your own Motrin at the commissary." Jay also asked repeatedly to receive the RX pain medications that he was taking on the outside, but was told each time that it was contrary to DOC policy. These records also show that DOC failed to replace Jay's eye glasses for 7 months after they were broken effecting his arrest 6-10-10. Jay took correspondence courses from Ohio University. Not having his glasses needlessly made completing the course work more difficult than it would have been if he could have read better. Jay received replacement glasses 7 months into his incarceration, but the State optometrist failed to diagnose glaucoma for another 4 months. Jay's vision problems also hindered his reading for pleasure and watching the TV he had purchased at the commissary.

C7. A collection of printout's of emails between Claimant, DOC counselors at both C/R and Osborn CCI's, printed transcription of Jay's letter to Claimant, emails from Claimant to Jay's lawyers whereby Claimant was continuously misled as to Jay's early release date. DOC [Murphy and Miller at O CCI] broke their promise to provide Claimant at least 3 days' advance notice of Jay's release so that Claimant could drive to CT and be present at APO when Jay was released. Because Claimant had tenants in both his and Jay's condos, Claimant told Murphy and Miller that he would rent a large hotel suite for several weeks during which time Claimant would observe Jay's physical and mental conditions, take him to private healthcare providers until DSS put Jay back into Medicaid, and would allow Jay to live in Claimant's Groton condo starting 1-1-12 when Claimant's tenant moved out 3 months early. DOC's broken promise prevented Claimant from even flying to Providence or Hartford and renting a car to meet Jay in New London. DOC broke its repeated promise, last made in a 10-27-11 letter to Claimant from Arnone's assistant that Jay would be sent to the Cohegan Halfway House in Norwich rather than be turned loose to Mr. Lyndon "Bud" McAllister who stuck his nose into the matter of being a "sponsor" for Jay, then failing to be home at night to monitor Jay's condition. Claimant would have also driven Jay to his job in Groton obviating the necessity for him to walk 12 miles back and forth from south New London. Claimant had also exchanged messages and mail with higher ups at DMV about getting Jay's driver's license restored immediately. Claimant had mailed a \$175 check from FL to DMV to pay Jay's fine for having his driver's license suspended for his Evading Responsibility conviction in 2008. Jay's frequent long walks due to Claimant's absence, caused by DOC's failure to notify Claimant in advance of Jay's release, severely aggravated Jay's post operative pain in his hip and pelvis. That pain contributed to Jay's excessive consumption of alcohol. DSS's failure to put Jay back into Medicaid upon his release, despite Claimant's request via August 27, 2011, letter to DSS and emails to Commissioner Bembry to assure that he was put

back on his RX pain medications as soon as he was released. Jay died the first night of McAllister's 4 day trip to RI. The State will undoubtedly mention that this same letter noted that Jay had declined a physical exam by DOC personnel just before his release. This was because Jay distrusted DOC medics and thought that he would be seen immediately after release by Dr. Campos, his PCP. Jay did however receive some RX drops for his glaucoma which lasted him part of the remaining 15 days of his life.

C8. Papers relating to Jay's unannounced early release. Missing is any mention of the fact that Jay was awakened at 0200 on 11-3-11 and dropped on a park bench at 0400 in front of the New London APO on Birch Street. No mention is made, either, that Jay was still clad in his prison clothes, wore no coat or jacket, and carried his meager personal belongings in a paper grocery shopping bag. Jay was admitted to the APO at 0800, met with his PO Rey Santiago who allowed Jay (i) to call Claimant in FL on Santiago's personal cell phone and (ii) to walk down State Street to a friend's tattoo shop where he (iii) obtained a coat or jacket and (iv) arranged to sleep that night on a friend's sofa because his "sponsor" Bud McAllister was out of town. This proved that DOC failed to give proper notice to both Claimant and McAllister who at the last moment was designated to monitor Jay rather than his being sent to Cochegan Halfway House. DOC had not contacted McAllister to apprise him either of Jay's release in the wee hours of 11-3-11. Jay's discharge papers stated that he was to have been enrolled immediately in as many as 5 mental health classes including Anger Management and Substance Abuse Counseling. No one contacted him in this regard during his remaining 15 days of life. This is malpractice on the part of DSS. Although Santiago was an employee of the Judicial Branch, he was grossly negligent in not smelling alcohol on Jay's breath and coming out of his pores during the "2 pee in the cup" drug tests he administered in his office. Claimant learned from interviewing Jay's associates during his last 15 days of life that Jay had gotten drunk each night. McAllister was also an agent of the State and presumably observed Jay when he went through the living room where McAllister slept on a mattress to the bedroom in the back of the apartment and undoubtedly saw Jay stumble and smelled alcohol on him. His duty, and Santiago's, was to violate Jay's probation causing his return to prison until his EOS, 1-12-12, by which time Claimant assuredly would have been in CT.

C9. This comprises a series of photos of Jay taken (i) June 10, 2010, when Jay was imprisoned at Corrigan CCI. (ii) a photo of Jay in prison garb midway through his 18 months' imprisonment, and (iii) Jay's release photo taken 11-2-11 presumably in civilian clothes, white T shirt and jeans. They demonstrate that Jay lost substantial weight, from 215 lbs. to 165 lbs. in 18 months due to DOC's utter failure to treat his serious illnesses and that Jay had aged far more than 18 months during his incarceration. Compare the testimony of Drs. Campos, Chianuri, and Goulding with Dr. Carver's autopsy findings.

C. 10 Court documents, mostly mitimus's that noted for Jay's court appearances while a prison that he was to be watched due to his medical conditions and medications [sic]. Court officers were under the mistaken impression that Jay was taking the prescriptions that he was on during his March 2008 trial and at the time of his court appearance after 6-10-10 arrest. Would that it were so. This is evidence that the Judicial Branch personnel thought he was receiving his medically prescribed drugs. Also included in this batch of documents are letters to Jay's sentencing judge reciting that Jay was an alcoholic and drug addict who had been raised in a very

dysfunctional home by two alcoholic parents and that he had been diagnosed in high school as suffering from ADHD for which he was prescribed both Ritalin and Prozac. Unfortunately, after graduation, Jay went underground for several years, receiving no medical treatment. When he resurfaced in 1997, Claimant paid for Jay's treatment at Stonington Institute and permitted Jay to reside with him until 4-2011 when Jay got an apartment with a co-worker. At Jay's funeral, 12-1-11, Claimant was told by several attendees who knew Jay well that Jay spent part of 2001 after Claimant had moved to Montana in a methadone clinic in Hartford. Thus, Jay used more than the marijuana which he admitted to Claimant. DOC and DSS were remiss not to have obtained Jay's records from that clinic and treated Jay as a former heroin addict as well as an alcoholic.

C11. This exhibit consists of several documents. First, Jay's first death certificate signed by CME H. Wayne Carver listing as the cause of death, "Pending" [toxicology reports]. About one month later, Dr. Carver informed Claimant that Jay had died of ethanol poisoning [overconsumption of drinking alcohol]. Carver told Claimant that there was no need for Claimant to order the 2nd death certificate, that the first would [it had already] suffice to commence probate of estate, enable Social Security to pay Survivor's Benefits to Jay's two minor children, and to cancel credit cards, close accounts, etc. Dr. Carver and Claimant exchanged several emails, the printouts of which are included in this exhibit. Dr. Carver apologized for the manner in which Claimant was notified of Jay's death, e.g. his first email was bureaucratic gobbledygook which gave no explanation whatsoever as to the cause of death. Dr. Carver and Claimant spoke via phone, and Dr. Carver sent Claimant one or more emails before the toxicology report came back. Carver told Claimant that it appeared from the autopsy that Jay had died of a heart attack. Jay's heart, coronary arteries, and other vascular system showed a serious plaque buildup [atherosclerosis]. Carver also told Claimant in those emails that Jay suffered from both diverticulitis and ulcerative colitis, which conditions should have been diagnosed and treated while in prison had DOC had performed on Jay the colonoscopy which Dr. Campos ordered on June 10th, for the 28th. These autopsy findings establish the fact of DOC's medical malpractice. DSS was complicit in not intervening to have Jay transported to a hospital under proper security for the colonoscopy. Dr. Carver also observed to Claimant that all too frequently recently released prisoners who abused drugs and/or alcohol die in circumstances identical to Jay's because they do not go to halfway houses and/or treatment centers from prison, that they immediately resume ingesting the same amounts as they had last used before prison. Because they had detoxed while in prison, the same amount that had tolerated just before prison, constituted a fatal overdose just after release. Claimant, as a 27 year recovered alcoholic, notified DOC and DSS of this possibility for Jay. It came to fruition because Jay did not go to a halfway house, a treatment center, or to live with a "sponsor" who would monitor Jay's use of alcohol--which violated the Conditions of Release. DOC's failure to notify Claimant in time to meet Jay at his release, caused Jay to overdose.

C12. Receipts for Jay's legally prescribed opiate pain killer and anti psychotic medications from Drs. Campos and Chianuri, his PCP's. Some RX's were also written for Jay by ER physicians at Backus Hospital and by his surgeons who operated on Jay for kidney cancer and hip replacement. These demonstrate to any knowledgeable medical professional that Jay suffered from such severe post operative pain that 1 Motrin per day is per se medical malpractice. Even allowing Jay to use Claimant's payments into Inmate Trust Fund for commissary purchases of additional amounts of Motrin did not alleviate this pain. Failing to administer the same medically

prescribed drugs violated Jay's 8th Amendment rights regarding cruel and inhumane punishment. DSS is also guilty for refusing to re-admit Jay into Medicaid so that he could begin seeing Dr. Campos again and obtain his pain killers and anti psychotic meds. Claimant wrote to both DOC and DSS several months before Jay's release asking that they arrange for Jay to be seen by a DSS MD immediately upon his release because DOC failed to adequately address Jay's pain and Claimant therefore feared Jay would drink alcohol excessively by way of self medicating. Jay also sent emails to the Commissioners of DOC and DSS making the same request. DSS refused to re-admit Jay to Medicaid et al on 11-5-11 when Ms. Carey drove him to Uncas on Thames. they used the spurious reason that he could not produce a copy of his SSA card even though he presented them with his color photo prison ID and DSS had on file photocopies of his driver's license with multiple prior applications. Jay could also have recited his SSN and given details about his birth known only to him and his immediate family, i.e. mother's maiden name, born in MS, and his birth date.

C13. Jay's records from New London Cancer Center, in Waterford, CT, which list his doctor's name, have Jay's photograph, describe his diagnosis, treatment, and prognosis. Dr. Lattanzi visited Jay at Corrigan and told DOC medics that he feared that Jay's extreme weight loss might be caused by metastasis of his kidney cancer. That was not the case, and DOC denied Dr. Lattanzi's attempted 2nd visit to see Jay, without explanation. Further proof that DOC is guilty of denying Jay access to his outside doctors. Dr. Lattanzi had also prescribed Jay opiate painkillers.

C14. DSS documents proving that Jay had been continuously enrolled in Medicaid since January 2009 through his imprisonment on June 10, 2010. DSS, recited above, wrongfully denied Jay immediate re-enrollment in Medicaid when he went to Uncas on Thames. Their doing so forced Jay, inter alia, to visit a commercial ophthalmologist in Waterford, CT, at Claimant's expense to (i) replace his broken prison issue frames that were held together with duct tape and (ii) get a stronger prescription because DOC's optometrist did not examine him before release and provide him with stronger prescription in new frames. (iii) The Vision Center's optometry recognized immediately that Jay was suffering from advanced glaucoma and urged him to see an eye doctor for treatment and more RX eye drops. DOC's releasing Jay with broken eye glasses and without sufficient RX eye drops also constitutes malpractice. DOC assistant to Commissioner sent Claimant dated 11-2-11 stating that Jay was being sent to a halfway house. that was a bold faced lie! Osborn CCI Warden was already planning to transport Jay at 0200 following day to New London and dump him on a bench outside the APO without a coat or jacket.

C15. Reports by Peter N. Rosenberg regarding operations which he performed on Jay in 1994 and 1995, respectively, to fix deviated septum for nose broken in multiple fights; rebuild left inner ear after Montville Constable John Salmon, currently imprisoned for peddling kiddie porn with his wife, beat Jay in head with 4 cell flashlight. Jay received opiate pain killers after both these operations increasing the likelihood of his becoming addicted in the future.

C16. Backus Hospital Norwich and Norwich Orthopedic Group reports from January and July 2000 summarizing injuries Jay received 1/00 when he rolled his new Jeep Wrangler after being run of I 95 at Exit 74 northbound. Jay was not wearing his seat belt with result he was ejected from vehicle, thrown between strands of wire guard rail, left for dead. Passing motorist called

911 about 20 minutes after accident, ambulance responded and took Jay to Trauma Center at Backus Hospital. Following day Dr. Balcolm performed surgery on broken hip and bilateral [both sides of spine] pelvic fracture. He inserted many pins and screws and glued fragments of pelvis to steel plates like doing a jig saw puzzle. Jay was released prematurely into a blizzard after several days in hospital recovering from surgery. After care personnel were discussing with Claimant where Jay should be sent for rehabilitation, Gaylord in Wallingford or Pendleton in Mystic, when the Business Office paged them upon learning that Jay had no health insurance. When admitted, hospital mistakenly entered as fact that Jay was still covered by Claimant's health insurance from EB. While Jay was under 21, he had quit college, hence EB no longer covered him. Business Office manager came to Jay's room, gave Claimant an 18 page application for him to complete and Jay to sign so that Medicaid would pay for Jay's treatment. Over Claimant's vehement protests, Jay was then dressed, put in a wheel chair and pushed by hospital personnel to front entrance where Claimant was forced to put Jay into his car and attempt to drive Jay home to Claimant's 2 BR duplex where both bedrooms were on the 2nd floor. Claimant barely managed to drive down I 395 before DPS closed it for day. Upon arrival at duplex, Claimant enlisted aid of neighbor woman to help get Jay from car up two steep concrete steps to duplex's front door. Due to ice on landing, Jay slipped out of Ms. MacGillis' grasp, fell off landing several feet to snow covered ground striking his "good" shoulder on outside water faucet fracturing the "good" shoulder. Jay had broken scapula on other side in car wreck, also, but it was not treated at Backus. Claimant had an adrenaline rush, was able to drag Jay off ground up steps, then up inside stairs to bathroom where he placed Jay in tub and ran it full of hot water while Ms. MacGillis called 911. Ambulance responded, told Claimant to meet them at L & M hospital in New London. While crossing the Gold Star Bridge on I 95 the ambulance was diverted to Backus because they learned Jay had just been discharged there. Jay was re-admitted and treated for new shoulder fracture. This time Jay was not prematurely discharged.

Day after his 2nd discharge a visiting nurse came to Jay's duplex and gave him and Claimant one hour demonstration of exercises Jay should do. Jay immediately resumed his tattoo apprenticeship at Flat's Tattoo nearby in Groton, working for two months from his wheel chair. He then used crutches, finally just a cane. This demonstrates how poorly indigents on Medicaid are treated as well as the fact that DSS had records on Jay as long ago as January 2000. Hence they knew his identity when they denied him re-enrollment 11-5-11.

Dr. Balcolm operated again on Jay in July 2000 to remove most, but not all of the metal hardware which he had inserted in January. He told Jay and Claimant that Jay would need a complete hip replacement not longer than 7 years. Jay had no insurance until he got back into Medicaid in January 2009 as a consequence of being declared an indigent by DSS in connection with child custody and support hearing. Thus, Jay on Labor Day 2009 when his hip was finally replaced was at a minimum, 2 years overdue for the replacement. He was already taking opiate pain killers for his 3/09 brain concussion sustained from falling onto his collapsed bed frame. He also required them for the pain of his cancer and his degenerated right hip. DSS paid for all this medical care and had records on Jay. Jay saw Drs. Campos and Chianuri regularly until his 6-10-10 arrest and imprisonment. He continually took opiate painkillers and was addicted to same when he entered the prison system. Hence he needed to be medically detoxed from both alcohol and oxycodone at Corrigan, which he was not. Jay also need to continue on a painkiller stronger than Motrin but never received sufficient pain relief during his 18 months' imprisonment.

C18. Claimant's emails with two optician shops in Waterford after Jay's death trying to ascertain which one had treated Jay, put old lenses into new frames because Jay was released with his prison issued frames had broken in middle over the nose. Jay held them together with duct tape. When Claimant visited McAllister's apartment to claim Jay's clothing and personal effects, McAllister produced Jay eyeglasses and asked permission, which Claimant granted, to donate them to New London Lions. Claimant found a receipt from the Vision Center in a mall. They refunded \$30 deposit which Jay had paid for new lenses that were ordered but had not been picked up because of his death. Optician told Claimant that he told Jay to go to an eye doctor immediately for treatment of advanced glaucoma. DOC optometrist never saw Jay again after diagnosing him in early 2011 with glaucoma. More evidence of malpractice.

C19. Wm. W. Backus Hospital Reports of February 2006 re treatment of Jay after he was attacked in his condo by two CT state troopers. They broke through Jay's locked condo door to needlessly serve a misdemeanor summons for a one car accident that happened 4 hours previously. Jay, who also suffered from sleep apnea, for which DSS was in process of acquiring a breathing machine, was roughly awakened by first state trooper on scene. He and Jay argued with Jay ordering him out of the condo. Trooper refused, excessively pepper sprayed Jay in face and eyes, cuffed his hands behind Jay's back, and then kicked him to floor. After 2nd trooper arrived, he ordered ambulance and EMT's from Salem/Gardiner Lake Fire Department. Female EMT treated Jay's eyes in bathroom before Jay was placed on a stretcher and transported to hospital. Hospital report incorrectly stated that Jay was intoxicated, smelled strongly of alcohol. No blood, breath, or urine test was performed. Jay told Claimant later that day that the only alcohol ER people smelled was rubbing alcohol female ENT rubbed on Jay's face trying to counteract the excessive pepper spray which burned Jay's eyes severely. Jay complained that the vicodin in his pocket was stolen by ER personnel. Claimant reported theft to hospital personnel, then to Norwich PD when hospital refused to replace the medication in a full jar.

7. Evidentiary Problems

Much of Claimant's case will be based on hearsay, his conversations with Jay, who being dead, obviously cannot testify. Claimant also deleted many emails he sent and received to and from both DOC and DSS personnel before Jay's death made those emails highly relevant.

Claimant's legal memorandum is sent as an attachment to the email transmitting this PMO. Claimant acknowledges that it is the work of ACLU supporter who wrote same 7/12. Claimant has highlighted in red the pertinent portions thereof and the related footnote. Claimant concurs with the author that corrections departments and prison personnel frequently violate prisoners' 8th Amendment rights by failing to treat serious medical conditions, withholding needed prescription drugs, failing to properly diagnose new conditions or ascertain that pre-existing conditions have worsened while in prison.

8. Further predisposition proceeding.

Claimant does not require any additional hearing before the Commission prior to the two day hearing scheduled for August 22 and 23. Because Claimant returned to FL on June 15 after contracting pneumonia, and because he has completed this PMO without having received the AAG's proposed exhibits, it is conceivable that Claimant may wish to object to some of the

AGO's proposed exhibits. AAG O'Neill in a 7-18-13 email to Claimant stated that he had been on a two week vacation which was reason he had not sent Claimant State's proposed exhibits.

AAG O'Neill did acknowledge his office's receipt of Claimant's proposed exhibits which are listed and summarized, *supra*. He also said that he hoped that he and I could stipulate to the admissibility of most of the exhibits which could shorten the hearing. Claimant is willing to cooperate in this regard, but cannot meet in person with AAG O'Neill to discuss the exhibits. Claimant respectfully requests that any problems be resolved if possible by conference call.

9. Time Required for Disposition

Claimant does not believe that the two days presently allotted for this hearing will be sufficient for him to present his case. Hearing commencing at 10 AM and 11 AM simply do not allow sufficient time for Claimant to introduce all of his exhibits and conduct a thorough examination of all the witnesses whom he has listed and asked the Commission to subpoena or for the AAG to produce without subpoena because they are state employees. Claimant believes that he alone needs a 3rd day of direct testimony. AAG O'Neill can estimate to the Commission how much time it will require to cross examine Claimant's witnesses and to put on its own case.

Respectfully submitted,

W. Walton Jay
Juris No. 303104
Claimant